

PERMANENT RECORD

CITY COUNCIL MINUTES

July 8, 2013

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, July 8, 2013 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President Connie Robinson presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

ROLL CALL:

Present: M^cGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

There being nine (9) members present and zero (0) members absent and nine (9) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance is led by Mayor Winnecke.

Fellow Councilmen and those in the audience, welcome to the July 8, 2013 meeting of the Common Council.

COUNCIL ATTORNEY

This evening Scott Danks is City Council Attorney.

SERGEANT AT ARMS

This evening Officer Thiry is Sergeant at Arms.

READING AND AMENDMENT OF MINUTES

Is there a motion to approve the minutes of the June 24, 2013 meeting of the Common Council as written?

Councilwoman Mosby moved and Councilman O'Daniel seconded the motion to approve the minutes of the meeting of the Common Council held June 24, 2013 as written. Voice vote. So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR JULY 5TH PACKET:

- *City Council Meeting Agenda for July 8, 2013.
- *Committee Meeting Schedule.
- *Ordinances G-2013-13, F-2013-10 and F-2013-11.
- *Resolution Dockets C-2013-13 and C-2013-16
- *Resolution C-2013-15.
- *Rezoning Ordinances R-2013-13, R-2013-14, and R-2013-15.
- *Area Plan Commission Meeting Minutes from June 13, 2013 and Staff Field Reports.
- *Evansville Redevelopment Commission Meeting Minutes from June 18, 2013

EMAILED MATERIAL:

- *City Council Meeting Minutes dated June 24, 2013.

Councilwoman Brinkerhoff-Riley moved and Councilwoman Mosby seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

President Robinson: Tonight I would like to have a motion to suspend the rules to hear Ordinance F-2013-11 on all three readings this evening. I think you received an email from myself and also from Kelly Coures and if this happens, when it's time for discussion, we'll go into it.

Councilwoman Mosby moved and Councilman Adams seconded the motion to hear Ordinance F-2013-11 on all three readings this evening. This has to be a unanimous vote so I'll take a roll call.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

There being nine (9) ayes and zero (0) nays, Ordinance F-2013-11 will be heard on all three readings this evening.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

<u>ORDINANCE G-2013-13</u>	<u>A.S.D</u>	<u>ADAMS</u>
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Amended Speed Humps Ordinance

<u>ORDINANCE F-2013-10</u>	<u>FINANCE</u>	<u>FRIEND</u>
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An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

<u>ORDINANCE F-2013-11</u>	<u>FINANCE</u>	<u>FRIEND</u>
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An Ordinance of the Common Council of the City of Evansville authorizing re-appropriations of funds within various departments (DMD)

<u>RESOLUTION C-2013-15</u>	<u>PUBLIC WORKS (O'DANIEL)</u>	<u>WEAVER</u>
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A Resolution renaming a certain section of street/roadway Don Mattingly Way

<u>ORDINANCE R-2013-13</u>	<u>TO APC</u>	<u>C-4 TO R-1</u>
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An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3001, 3009, and 3011 Kratzville Road

Petitioner: Kurt A. Koenig (3001)
Alicia L. Miller (3009)
JR & R Enterprises, LLC (3011)

Owners: Same

Representative: Same

District: John Friend, Ward 5

<u>ORDINANCE R-2013-14</u>	<u>TO APC</u>	<u>PUD TO C-4 w/ U&D</u>
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An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2536 Waterbridge Way

Petitioner: Donald & Michelle Pritzkau

Owners: Christian Education Enterprises, Inc. and Lynnville National Bank

Representative: Same
District: Stephanie Brinkerhoff-Riley, Ward 3

ORDINANCE R-2013-15 TO APC

C-4 TO C-3

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 202 S.E. Sixth Street

Petitioner: City of Evansville/Redevelopment Commission
Owners: Same
Representative: Philip Hooper
District: Connie Robinson, Ward 4

President Robinson: Is there a motion to adopt the Consent Agenda as written?

Councilman O'Daniel moved and Councilman Friend seconded the motion to adopt the Consent Agenda as written. Voice vote. So ordered.

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2013-7 FROM APC

M-3 TO R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1021 Grove Street, Evansville, Indiana

Petitioner: Robert T. Rodgers
Owners: Same
Representative: Same
District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes.

ORDINANCE R-2013-8 FROM APC

C-2 TO R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1021 Lincoln Avenue, Evansville, Indiana

Petitioner: Vanessa Fullop
Owners: Same
Representative: Same
District: Connie Robinson, Ward 4

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes.

President Robinson: Can I have a motion to adopt the Consent Agenda Second Reading

Councilwoman Brinkerhoff-Riley moved and Councilwoman Mosby seconded the motion to adopt the Consent Agenda Second Reading and to accept the Area Plan Commission report. Voice vote. So ordered.

Council now stands at Third Reading of Zoning Ordinances, which is final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-7 FROM APC

M-3 TO R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1021 Grove Street, Evansville, Indiana

Petitioner: Robert T. Rodgers

President Robinson: Do I have anyone here tonight for...

Robert Rogers: Yes

President Robinson: Okay

Robert Rogers: I'm Robert Rogers. I own the property in question here and I'm trying move it from a M...R-2 to an M-3 and I have a buyer.

Councilman McGinn: It's the other way around. You're downzoning, are you not?

President Robinson: Yes, he's downzoning.

Robert Rogers: Yes I am. This isn't my forte here, you can tell.

Councilman McGinn: I know and we had that long Committee Meeting. We understand.

Robert Rogers: Alright. Appreciate that. And we do have a buyer as soon as the zoning is completed.

President Robinson: Okay, so this is a downzoning. Is there anyone on Council that has any questions? Is there anyone in the audience that would like to speak for or against this zoning?

Can I have a motion to adopt Ordinance R-2013-7?

Councilman McGinn moved and Councilman Lindsey seconded the motion to adopt Ordinance R-2013-7 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Ordinance R-2013-7 is hereby declared adopted.

Thank you sir.

Robert Rogers: Thank you.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-8 FROM APC

C-2 TO R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1021 Lincoln Avenue, Evansville, Indiana

Petitioner: Vanessa Fullop

President Robinson: Okay, state your name and address please.

Vanessa Fullop: Vanessa Fullop. 2547 County Road, 1700 East, Grayville, IL 62844

President Robinson: Okay. You want to tell us a little bit about the zoning Vanessa?

Vanessa Fullop: We have owned the property for about five years and had a business, Busy Beedz, in it, however, the last two years it's been vacant and we've been trying to sell it. We have a buyer as well who needs a FHA loan and it has to be zoned residential in order for that to be approved so that's why I'm asking.

President Robinson: Are there any questions from any Council members? This is another downzone.

Councilwoman Brinkerhoff-Riley: Is it the buyer's intent to use it as a residential...

Vanessa Fullop: Yes.

President Robinson: Is there any questions from anyone in the audience?

Can I have a motion to adopt Ordinance R-2013-8?

Councilman Friend moved and Councilwoman Brinkerhoff-Riley seconded the motion to adopt Ordinance R-2013-8 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Ordinance R-2013-8 is hereby declared adopted.

Thank you.

Vanessa Fullop: Thank you.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2013-11 PUBLIC WORKS

O'DANIEL

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as the 12' portion of alley lying within Block 39 in the Eastern Enlargement of the City of Evansville, the plat of which is recorded in Deed Record E, Pages

415 and 416, transcribed in Plat Book A, Pages 142, 143, and 144, and re-transcribed in Plat Book E, Pages 16, 17, and 18, all in the Office of the Recorder of Vanderburgh County, Indiana excepting that portion of said alley previously vacated as described in Vacation and Openings Record 4, Page 32 in the Office of the Board of Public Works of the City of Evansville, in the City of Evansville, in Vanderburgh County, Indiana

ORDINANCE G-2013-12 PUBLIC WORKS

O'DANIEL

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as a portion of the right-of-way on S.E. 7th Street briefly described as a part of the Eastern Enlargement of the City of Evansville, as recorded in Deed Record E, Pages 415 and 416; transcribed in Plat Book A, Pages 142, 143 and 144; re-transcribed in Plat Book E, Pages 16, 17 and 18 located in the Office of the Recorder of Vanderburgh County, Indiana, in the City of Evansville, Indiana, all in the Office of the Recorder of Vanderburgh County, Indiana.

ORDINANCE F-2013-8 FINANCE

FRIEND

An Ordinance authorizing the issuance of sewage works revenue bonds of the City of Evansville, Indiana; prescribing the form and other details of the bonds; providing for the collection and disposition of the revenues to be derived from its sewerage system; making other provisions with respect to the operation of the system and the issuance and sale of bonds; and providing for the security and payment of the bonds; other matters connected therewith, and repealing ordinances inconsistent herewith.

ORDINANCE F-2013-9 FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville Authorizing repeal and appropriations of funds within various departments (DMD)

COMMITTEE REPORTS:

PUBLIC WORKS COMMITTEE:

CHAIRMAN O'DANIEL

Councilman O'Daniel: Madam President, your Public Works Committee met this evening to hear Ordinances G-2013-11 and G-2013-12 and both come forward with a do-pass recommendation.

FINANCE COMMITTEE:

CHAIRMAN FRIEND

Councilman Friend: Madam President, your Finance Committee met this evening to hear Ordinances F-2013-8 and F-2013-9 and both come forward with a do-pass recommendation.

President Robinson: Okay. May I have a motion at this time to adopt the Committee Reports?

Councilwoman Brinkerhoff-Riley moved and Councilman Friend seconded the motion to adopt the Committee Reports and move these Ordinances to Third Reading. Voice vote. So ordered.

REGULAR AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2013-11

FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing re-appropriations of funds within various departments (DMD)

President Robinson: Okay, I think Kelley...are you...did you want to come forward and speak on this or Phil, I'm sorry, whichever. Whichever one of the Bobbsey twins.

DMD Director Hooper: Councilwoman Robinson, thank you. As you know this is a...

Councilwoman Brinkerhoff-Riley: Kelley is just thrilled to be compared to a 30-year old.

DMD Director Hooper:...appropriation of prior years' CDBG funds for the start-up of the Youth Employment and Garden projects for Memorial CEC. Approximately 60 to 70 kids right now and due to HUD's delay in getting the contract to us, this is one of the latest delays we've ever had. The issue was raised to our attention that we need to do this and it was kind of an emergency and we're responding to that to appropriate prior year funds to make this project happen so these kids can start their summer projects now cause the summer is now, so...

Kelley Coures: And we've also put a provision in both contracts that this interim fund will be used in addition to the regular contract next year to keep this from happening if there is a delay in getting our HUD agreements.

DMD Director Hooper: That will apply to any of our grantees...(Inaudible)...situation.

Kelley Coures: They'll have funds to start these programs when school lets out.

President Robinson: Okay, cause this is the second consecutive year, I guess, that this has happened and it's now July and the kids have been out of school since June and the summer is almost over. I know a lot of these individuals depend on this income for school clothes.

Kelley Coures: We are going to try to make sure this doesn't ever happen again.

President Robinson: Well I appreciate you getting right on this.

Are there any questions from any Councilmembers?

Councilman McGinn: Just a point...just for clarification. Because you're starting late, you're only going to use part of the money this year and then what you don't use, have it in reserve so you can start early next year.

Kelley Coures: What you're approving is prior years' money that we are using as interim financing...

Councilman McGinn: Okay.

Kelley Coures:...for the program. They're going to get their full contract that you approved last October for 2013. This money will be held out of that contract then as an interim fund to start the program early next year...

Councilman McGinn: Next year.

Kelley Coures:...in case there is a delay in the HUD agreement.

Councilman McGinn: Great. Thanks.

President Robinson: Okay, are there any questions from anyone in the audience?

Can I have a motion to move Ordinance F-2013-11 to Third Reading?

Councilman Friend moved and Councilman Weaver seconded the motion to move Ordinance F-2013-11 to Third Reading. Voice vote. So ordered.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2013-11 PUBLIC WORKS

O'DANIEL

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as the 12' portion of alley lying within Block 39 in the Eastern Enlargement of the City of Evansville, the plat of which is recorded in Deed Record E, Pages 415 and 416, transcribed in Plat Book A, Pages 142, 143, and 144, and re-transcribed in Plat Book E, Pages 16, 17, and 18, all in the Office of the Recorder of Vanderburgh County, Indiana excepting that portion of said alley previously vacated as described in Vacation and Openings Record 4, Page 32 in the Office of the Board of Public Works of the City of Evansville, in the City of Evansville, in Vanderburgh County, Indiana

President Robinson: Is there a motion to adopt Ordinance G-2013-11 and call the roll?

Councilman Adams moved and Councilwoman Mosby seconded the motion to adopt Ordinance G-2013-11 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Ordinance G-2013-11 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2013-12 PUBLIC WORKS

O'DANIEL

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as a portion of the right-of-way on S.E. 7th Street briefly described as a part of the Eastern Enlargement of the City of Evansville, as recorded in Deed Record E, Pages 415 and 416; transcribed in Plat Book A, Pages 142, 143 and 144; re-transcribed in Plat Book E, Pages 16, 17 and 18 located in the Office of the Recorder of Vanderburgh County, Indiana, in the City of Evansville, Indiana, all in the Office of the Recorder of Vanderburgh County, Indiana.

President Robinson: Is there a motion to adopt Ordinance G-2013-12 and call the roll?

Councilwoman Mosby moved and Councilman Weaver seconded the motion to adopt Ordinance G-2013-12 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Ordinance G-2013-12 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2013-8 FINANCE

FRIEND

An Ordinance authorizing the issuance of sewage works revenue bonds of the City of Evansville, Indiana; prescribing the form and other details of the bonds; providing for the collection and disposition of the revenues to be derived from its sewerage system; making other provisions with respect to the operation of the system and the issuance and sale of bonds; and providing for the security and payment of the bonds; other matters connected therewith, and repealing ordinances inconsistent herewith.

President Robinson: Is there a motion to adopt Ordinance F-2013-8 and call the roll?

Councilman Weaver moved and Councilman McGinn seconded the motion to adopt Ordinance F-2013-8 and call the roll.

Councilmembers made the comments below during roll call prior to casting their respective votes.

Councilman McGinn: I have a...I'd like to say a few things on this because I was an outspoken critic, all of you may recall, of the original version of this contract. I didn't like it. I mean I didn't like the way it was passed. It was, you know, the City was obligated to almost 60 million dollars by a document signed by a non-elected official. There was no public input. It was done at the last minute. There wasn't any publication, in fact, most of us weren't even aware of it until 2012. So for that reason I had a very bad first impression of this contract and most of the other information that came to me for the first year or so of my research on this, it also just kind of verified my dislike for this contract. I didn't like the Wi-Fi on this because I was on the 9-11 Committee. I think that Councilwoman Mosby and Councilman Weaver have been on it and all the people in there told me this did not fill the gaps in our 9-11 system. And then I was also told, in fact, it was confirmed without a doubt this will not work in buildings. I said, "Gee, what's the point? You want to sit out somewhere and drink a cup of coffee and have a 60 million dollar project that is nothing more than a glorified toy; it did nothing to help the City.

And so then when the IURC rejected that, which just further confirmed that I did not like this contract. Then it was changed and I like it a little bit better but there was the loop around here and I listened to the AT&T person and I also know from talking to a couple people that there is at least one other provider that had been doing this for years. They provide this same type of information. They have professional salespeople. They do it, you know, and they make a fortune at it. They do it very well. The City would be in competition with two very well-known providers of this and guess who comes in third in the contest with some pros and some people who are just starting up, you know, and I did not like that aspect about it whatsoever. I didn't like a lot of these things.

And I was...I thought...asked some questions of Allen the last time he was here and I think as a result of that, he and I set up another meeting and I think he and I both realized I was misunderstanding a portion of this contract. Part of that was I believed that this 2.8% was a stipulation. We were agreeing we were going to have that type of an increase in revenue whether we did or not; that was strictly on paper. And I thought, "Heck, I'll take part of that deal". It was a no lose deal. But then I realized that the 2.8% was strictly the number that was used to

predict what we would make over the lifetime of this contract and it was a very conservative number.

I also learned as a result of, again, time with Allen and again, wherever you are Allen, I appreciate...you really educated me and you worked very hard and do work very hard. I also learned that the stipulated error and the big meters of 88, that they were 88.5% accurate. That's probably also a very conservative number because lots of meters were tested and most of those meters were a whole lot less accurate than 88.5% so I think that again was a conservative number. I mean we've talked two or three times...plugged in some real numbers. We know we are going to have some increases. How much is this contract really going to be?

And so, you know, that sort of...those conversations turned my thinking around and then I also thought, if this contract is as bad as I think it is then surely some other cities are unhappy and so JCI...I did a lot of research on you guys. I found you had a couple of mechanical issues in a couple of contracts and you fixed 'em. Everybody is happy with what you do.

So I flipped my hat around. I talked to Allen a couple more times and I finally understand this contract. There has been a lot of hard work done here. I appreciate the fact that this administration, JCI have both...it's still a good deal for you JCI, you're still making some money; don't kid me. But a lot of hard work and a lot tough decisions have been made and a lot of change orders in this thing, and I believe that this has turned into what...from what I thought was a very, very bad contract, into an investment for the City of Evansville with a substantial rate of return for us in increased savings over the life of the contract.

I had one thing still bothering me about this, and I think John, you brought it up, is that we are replacing all of these meter all at once and maybe we're going to have to do that down the line. Maybe we are and maybe we're not but the reality of why should we do this now is pretty simple. It's the same reason we told the Fire Department six months ago, "Get whatever trucks you can now and don't wait until next year". I sat through eight of the five-year plans for capital improvement as a department head, five here, I've seen every single one of those...every one has been reprioritized depending on what happens. If we don't buy the meters now, then if we start saving this money, you know, we may have to replace some pipes, or it may be a good idea that, you know, whoever is across the hall in 8, 9, 12, 14 years decides, "Well, we need new trucks", you know, maybe we need a new this or that, you know. The government is different from real life. You're penalized for saving money. It gets taken away from you. Long-range planning projects are basically at the whim of the electorate. Like we told the Fire Department, "Do it now!"

We know we can do it now so I think this is a very good contract. I think you worked very hard. I have become a fan of it and I vote yes and encourage everyone else to do so. It's a good deal. Now, it's a good deal.

Councilwoman Brinkerhoff-Riley: I won't drone on as long as Councilman McGinn.

(Laughter)

A republican! But there are...there is more than one person can make me take a second look and I know that it was not a partisan issue. It was never a partisan issue with me and when Councilman McGinn called me a month or so ago, I was willing to sit down and take another

look with him because I, you know, we were sort of old comrades when you worked (*Inaudible*)...yeah! So...but he, you know, he was willing to take a look, a second look, and I was too and he...if anybody can...there is more than one, but if anybody can convince me to look again it's Councilman McGinn.

I've just been really impressed with Mr. Mounts from the beginning and when I understood that we were capturing...we needed to capture this water now because of all the rate increases that are coming and that way it'll just be compounding...then I started to understand. I too had thought that 2.8 was...that annual increase was what we had to have as opposed to just an estimate of what we knew we were getting so...

Anyway, I became a believer and I vote yes and encourage everyone else to. Thank you.

Councilman Friend: Likewise I had a lot of reservations about the contract early on; I think a lot of people know that and I would say there's been a lot of effort done on everybody's part, the Administration, which I pointed out, and I understand that most of our Council, to try to come down with information, we need to make an intelligent vote and with that I commend, again, the Administration's effort in this and with that I vote aye.

Councilman Lindsey: Well you know I had a lot of reserves on this, I still do. And my reserves are this, and you know, I'm for the jobs for the unions but we all remember too that we lost seven permanent jobs that were union people too, Teamster people, and I know that the process wasn't a friendly process. You know it started out, "Well, we're gonna be your friend. We're gonna help you out. We're gonna let you stay in the Water Department", and then I know how, you know, cause the thing is about me is I, you know, I hang out with the poor people, I hang out with the City workers, they're my friends, so I know how these stories really go. You know it's upsetting to me when people aren't treated right and those people weren't treated right. It started out with a simple thing. They were gonna be taken care of in-house and then all of a sudden it's, well, it's everyman for themselves. And I know these stories to be true. I mean I know that they're true. You know that bothers me.

And another thing that bothers me about this is that we seem to forget that a lot of their savings and all these deals where they're gonna...where all the money's gonna come in. It's gonna be rate increases. That's gonna be rate increases because they're telling us that it's an inefficient system, our meter system is, so when it becomes efficient, then we're gonna get more money because everybody's rates are gonna go up. Now I don't know how much you think these people in this City, you know, can stand, I mean it's just...it never ends, it never ends. I can tell you about my son, with a family of four, has a \$140.00 a month water and sewer bill. I mean let's, let's get realistic here, you know, and a lot of their money on this project is supposedly from a more efficient metering system and that's gonna raise the water rates. So when you're water rate goes up, your sewer rate goes up 2.5 times. Is that correct? Am I right on that? Allen, whomever wants to answer that. So you're not just talking about one rate going up.

Then you say, "Well, we're losing water". Well you know, we're a City. We are supposed to provide services for people. We're not supposed to find ways to increase our income as a City. We're supposed to provide a service for the people that live here, you know, and I'm just not so sure this is the right thing to do but, you know, everybody else is sold on it.

But I want to make my point clear on this, you know, the poor people in this City can only absorb so much, okay. Eventually we're gonna be living in a ghost town because whose gonna be able to pay all this stuff? You can't do...they can't do it because they have fixed incomes. You know I don't know how you could be any poorer than the Sixth Ward...Fourth Ward...I mean we've all got our areas, you know (*Inaudible*), but I mean it's just...it just seems like it's always constantly going back to people that are...these poor people that are paying this. You know, I can make extra money. I'm young enough and I've got enough time or whatever and if I need extra money, I can go out and do it, but these poor people are trapped, they're literally trapped, you know. But I'm telling you, you know if everybody's sold on this, and I'm for the union people; I want the jobs, I want everybody to be working in this City, but don't forget that we lost seven fulltime jobs to, you know, lifetime jobs, out of this too, you know. When you always come back and you're cutting jobs and you know, where's that money? Where would they spend that money? They would spend that money here just like these gentlemen are going to and the people who are gonna work on this project, but that's temporary jobs.

So I'm just telling you; I want you to know how I feel about this, you know, cause I'm gonna stand up for the people in the Sixth Ward. They're poor, a lot of poor people. We've got rich people too, you know. I don't know where they're hiding at but I'm gonna find 'em and I'm gonna hang out with 'em.

But the deal is, you know, we cannot constantly go back to the people, these poor people, and just keep asking them for more money cause they don't have it, okay. But I'm gonna vote yes with reserve.

I just wanted to have my say, you know. It's hard (*Inaudible*) on this Council, I'll tell you that much.

President Robinson: You did pretty good.

Councilman Adams: This has been an arduous 20 months. It's been 20 months that we've been dealing with this issue, for some of us, and it's been dynamic and I think there's been a balance between the Administration and the City Council, Johnson Controls, the Utility, and it's really been a fascinating thing to watch. I think great progress has been made and this is a good contract. People are not paying for the water that they're using with these meters. That's kind of the bottom line here. Now maybe they'll use less water. We do have this overhanging 600 million dollar thing we have to deal with from the EPA, and I think this will help us do that.

The other thing I want us to all understand is the addition tonight of something called the Owner's Representative. I prefer to say the People's Representative but we have different terms we throw around. This is setting a precedent so that from, I hope, from now on, every major city deal like this, spending big bucks, we're going to get precise reports that we did not get before. This is a wonderful precedent and I vote aye.

Councilman O'Daniel: Yes, you know this is ultimately the result of what I would consider a failed privatization effort of the Water Department. For many years it was neglected as far as the maintenance, the water meter, as Councilman McGinn indicated, you know, we just kind of shoved that to the side in the name of profits and the like. And so when Mayor Weinzapfel brought that back in-house, it was incumbent upon him, I believe, in my conversations with him, that this needed to be upgraded and upgraded fast, and he had a vision. Now granted it was

bigger than what is ultimately before the Council tonight, but he had a vision to make this more efficient and to upgrade it in a very meaningful way and I, you know, I think we need to give due credit to that vision. I also...I echo some of the thoughts of other Council members that I think this is really an exercise of everybody doing their job very well. The current Administration, for reviewing and listening to Council; Council for being diligent, looking at the numbers and making sure that we can only...that we approve only what we could afford and trying to get our best bang for the buck; the unions for sitting down at the table with the Mayor and Johnson Controls, conceding certain things they wanted on their wish list in name of something bigger and better; and then I, you know, I can't say enough for Allen Mounts, his professionalism, his attention to detail on this, his willingness to educate each and every one of us, whether it be, you know, one-on-one or here in Council, he really made it understandable for everybody and made me realize that, you know, ultimately this is a business. The Water Department is a business.

But this provides the best way to modernize and to upgrade our systems at a fraction of the cost that it might otherwise take, you know, over 10 or 20 years doing it piecemeal.

The last point that I want to make is some people throwing around, "This is a tax". It's not a tax, it's a user fee. You are now truly going to pay for what you use, and ultimately, because of the differences in the amount of water use that (*Inaudible*), many of the residential payers are no longer gonna subsidize the industrial and commercial users and so it really will help the residential folks. I don't think it will cause a rate increase for them; I think it's simply going to capture, and allow the Water Department Utility to capture all the revenue that it really has earned.

And so I think it's been a real win-win for the City and the rate-payers themselves and so I vote aye.

President Robinson: Well I guess I'll add to the comments. When this initially came before us I would say it probably had about two ayes and maybe seven nays but I want to thank the Councilmembers for working diligently, meeting the Mayor and Allen Mounts, and him agreeing to meet with us. You know, we've come a long way, I mean that we can have a unanimous vote on this. The Administration has been very helpful. They listen to what we have to say. We've had meetings with them and Allen always broke it down so that everyone could understand this. You know, I think Washington D.C. could take a lesson from us because we have worked together as a team and because of this, we have a project that's gonna be successful. Therefore, I vote aye.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Ordinance F-2013-8 is hereby declared adopted.

Applause

Councilman O'Daniel: Can I...

President Robinson: Just a minute, just a minute. You can't leave; you have to stay.

Councilman O'Daniel: I think given that, and I don't know if this is the proper time. We had previously authorized Attorney Danks to file an appeal on behalf of this and I think at this point it should be...I would make a motion to...I don't know...repeal the...withdraw...dismiss the appeal.

Council Attorney Danks: And I would very much appreciate a yes vote on that.

Councilman Friend: I'll second that.

President Robinson: Okay. Voice vote. So ordered. No extra work for you.

Councilman Adams: Madam President?

President Robinson: Yes Councilman Adams.

Councilman Adams: I'd just like to make it...us aware that Councilman Lindsey's comments are valid and one of the things some of us are trying to do, and I would hope everybody would join us, is to try to make the payback period, instead of 15 years or 20 years, make the EPA allow us to pay it back in 28 years, which might make it a lot more palatable for the actual homeowners. I've been trying to talk to our Congressmen and our Senators to see if there's some influence and I would ask us all to do that.

President Robinson: Okay, thank you.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2013-9 FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville Authorizing repeal and appropriations of funds within various departments (DMD)

President Robinson: Mr. Brown, you need to get in touch with me please.

Mr. Brown: Yes Ma'am.

President Robinson: Thank you.

Mr. Brown: Thank you.

President Robinson: Is there a motion to adopt Ordinance F-2013-9 and call the roll?

Councilman Weaver moved and Councilwoman Mosby seconded the motion to adopt Ordinance F-2013-9 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Ordinance F-2013-9 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2013-11

FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing re-appropriations of funds within various departments (DMD)

President Robinson: Is there a motion to adopt Ordinance F-2013-11 and call the roll?

Councilwoman Mosby moved and Councilman Adams seconded the motion to adopt Ordinance F-2013-11 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: I guess I'm confused. Syrita, you texting the pastor (*Inaudible*) cause he's telling me thank you.

Syrita Campbell: Yes. He told me to make sure I'm here but on behalf of Reverend Brooks, the CDC and the 80 plus kids that we have already hired, we definitely want to say thank you. We do have copies of our annual report; they are working. They started this week.

Councilman Adams: Have you planted your garden yet.

Syrita Campbell: Yes. We actually have cabbage ready, collard greens ready, broccoli ready...

Councilman Adams: I'll be over to steal some.

Syrita Campbell: We will tentatively be open each Saturday from 9:00 to noon with everything being \$1.00 per pound except for like cabbage and bell peppers. They're like two for a dollar or .50¢ a pound.

President Robinson: Do you furnish a cook with that?

Syrita Campbell: No but we would hope to have one come in and teach us a few things.

President Robinson: Sign me up for that program.

Councilwoman Brinkerhoff-Riley: Where will you be located on Saturdays?

Syrita Campbell: We are actually located at 650 Cherry. It's right behind the church (*Inaudible*).

Councilwoman Brinkerhoff-Riley: Okay.

Syrita Campbell: If you come down, well you actually have to come down Martin...right there at the median area and your fenced in area (*Inaudible*) located in the 659 Cherry lot.

Councilwoman Brinkerhoff-Riley: Well that's where we can come on Saturday morning?

Syrita Campbell: You can.

Councilwoman Brinkerhoff-Riley: Okay.

Syrita Campbell: Thank you.

President Robinson: Thank you.

There being nine (9) Ayes and zero (0) Nays, Ordinance F-2013-11 is hereby declared adopted.

RESOLUTION DOCKET

RESOLUTION C-2013-13 (DOCKET)

COUNCIL AS A WHOLE

A Resolution approving an agreement between the City and County regarding the 2013 Byrne Justice Assistance Grant (JAG) Program Award (Local)

President Robinson: Rick Hubbard?

We do this every year. It's usually someone from the Police Department, I thought, that came forward and discussed this. Mr. Ziemer, are you familiar with it?

City Attorney Ziemer: I am aware of it.

(Laughter)

President Robinson: But this...

City Attorney Ziemer: As you say, Madam President, it has been done each year.

President Robinson: Yes, the last 18 years that I've been on Council.

City Attorney Ziemer: We urge the Council to approve it.

(Laughter)

President Robinson: Okay, right, okay. Is there anyone in the audience that is for or against or knows anything about this?

Can I have a motion to adopt Resolution C-2013-13 and call the roll?

Councilman O'Daniel: What exactly are we voting...?

President Robinson: It is an Interlocal agreement between the City and the County for a justice grant that they have.

Councilman O'Daniel: Okay.

President Robinson: It's more like procedures, you know, so...

Councilman McGinn: I always like this because the City always gets about nine times more than the County out of this Justice Department Grant.

President Robinson: We used to have a police...someone from the Police Department came so I don't know. Officer, do you know anything about this?

Officer Thiry: I don't.

President Robinson: Okay.

Councilman McGinn: The petition is pretty well self-explanatory. I know the County...the County has already passed this.

President Robinson: It usually goes to the County first and then we go...yeah...and then we...

Are there any other questions from any Council members?

Councilwoman Mosby moved and Councilman Weaver seconded the motion to adopt Resolution C-2013-13 and call the roll.

Councilmembers made comments below during roll call prior to casting their respective votes.

Councilman McGinn: I always vote yes to accept funds from the Justice Department. Aye.

Councilman O'Daniel: I just...just looking at this that we're getting about \$42,500; the County is getting less than \$7,000. I vote aye.

President Robinson: Yeah, we always get the majority. You feel more comfortable now?

Councilman O'Daniel: I'm all right with that.

President Robinson: Okay, thanks.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: There being nine (9) Ayes and zero (0) Nays, Resolution C-2013-13 is hereby declared adopted.

RESOLUTION DOCKET

RESOLUTION C-2013-16 (Docket)

LINDSEY/MOSBY

A Resolution expressing appreciation for Gene Gorman

President Robinson: Okay, this...at this time I'm gonna let...I think Councilwoman Mosby brought this to our attention and I see it's co-sponsored by, well both of them are sponsors, Councilman Lindsey and Councilwoman Mosby, did you want to say anything about it, either one of you?

Councilman Lindsey: They have good hamburgers.

President Robinson: They what?

Councilman Lindsey: They have good hamburgers.

President Robinson: Okay then, *(Inaudible)*. Somebody want to read the Resolution or...

Councilman Lindsey: Yeah, I'll read it.

A RESOLUTION EXPRESSING APPRECIATION FOR GENE GORMAN

WHEREAS, Gene Gorman was the original owner of the Tennessean Restaurants in Evansville, Indiana starting in 1949;

WHEREAS, Gene's restaurants were '50s-style diners featuring long counters and glazed tile walls;

WHEREAS, the Tennessean Restaurants became hugely popular eateries for citizens of the City of Evansville including many civic and business leaders;

WHEREAS, Gene worked closely with the Daughters of Charity and could always be depended on to give someone in need a free, hot meal;

WHEREAS, Gene Gorman is known to be kindhearted, personable, caring and generous, and known to always offer a helping hand to those in need.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Evansville, Indiana as follows:

The City Council of the City of Evansville, State of Indiana, on behalf of the residents of the City of Evansville, hereby express their appreciation to Gene Gorman for all he has done for others.

A copy of this Resolution shall be forwarded to Steven Gorman.

President Robinson: Is there anyone from Gene Gorman's family here tonight.

(Inaudible) Councilwoman Mosby.

Councilwoman Mosby: I received several phone calls and messages concerning this and I know he's in very ill health so I know family has been with him. I know that Councilman Lindsey had received some phone calls as well so that is why we decided to do this type resolution for him.

President Robinson: Okay well, anybody have anything else to say about Mr. Gorman? We appreciate you doing this Councilwoman Mosby and Councilman Lindsey.

Is there a motion to adopt Resolution C-2013-16 and call the roll?

Councilwoman Mosby moved and Councilman Lindsey seconded the motion to adopt Resolution C-2013-16 and call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson

President Robinson: Our prayers are with Gorman family at this time.

There being nine (9) Ayes and zero (0) Nays, Resolution C-2013-16 is hereby declared adopted.

MISCELLANEOUS BUSINESS

There will not be a City Council Meeting next Monday, July 15, 2013. The next meeting of the Common Council will be Monday, July 22, 2013. Committee meetings will begin at 5:15 p.m. on July 22nd.

President Robinson: Is there anyone in the audience...well I have Charlene Braker and then is Tim Klenck...is he here tonight?

(Inaudible)

Okay, you'll come up after that, I'm sorry. After Charlene Braker.

Charlene Braker: Yeah, Charlene Braker, 1700 E. Blackford and we just wish to show our support and would like to thank the City of Evansville, the Mayor, and the Board of Public Works for voting to allow the crosses to be put on the riverfront. We just really appreciate that.

And also, the fireworks on July 4th were just fantastic so we'd like to thank Toyota. Thank you.

President Robinson: Thank you.

Mr. Klenck.

Tim Klenck: Good evening.

President Robinson: Okay. It says, "Demolition of the hotel garage". If you can give us your...I know your...name and address for the records please.

Tim Klenck: Tim Klenck. I'm president of the Klenck Company. The address is 11421 N. Ridge Dr., Evansville, Indiana.

I just wanted to address you this evening. Again, my name is Tim Klenck, president of the Klenck Company. The Klenck Company completed the demolition of the former Executive Inn and parking garage during the construction of the Ford Center. We completed the project at the request of the City's project manager, John Kish. We were assured by the City that this would be paid for. The public RFP stated the demolition costs must be factored into the developer's proposal. Further, eight million dollars was placed into escrow for the project. Unfortunately, the hotel project was halted after the Administration changed. The new RFP, put out by the current administration, has no guarantee of payment for the work completed.

We would not have done this work, obviously, if we didn't think we were going to get paid. The work was necessary to open the Ford Center. The work was necessary for any structure...hotel, parking lot, park...that will eventually be built on the site. The money in question in the parking garage demolition and the debris removal was \$255,000. The Executive Inn tower demolition, \$70,000. And the added protection of the skywalk and the Ford Center transformers for an additional 30.

City officials have been provided with all the documentation with these numbers and to my knowledge, no one disputes the amount or the work that was necessary.

We are a small, local company but we are growing which means local jobs. Not being paid for this work has harmed our ability to operate, expand, and add local jobs. The Klenck Company wants only the best for Evansville.

We have recently completed the demolition of Roberts Stadium and our value of engineering has saved over a quarter of a million dollars. The City is ready to spend millions of dollars with an out-of-town developer to build a hotel on the land next to the Ford Center. This doesn't seem fair to the Klenck Company, utilizing local, skilled tradesmen that has provided essential work that was necessary for the opening of the Ford Center that has not been paid.

We all live, work pay our taxes in the community, yet we are not paid for the legitimate services we provided. We support the completion of the project and look forward to the economic growth and added employment. We hope the out-of-town developer plans on also using local, skilled trades.

For any company our size, a loss of \$355,000 revenue is a serious setback and will require years to recover. The facts are these: A nine-story parking garage that bordered three city streets was demolished and removed. A ten-story hotel was demolished, at night, and put on a contained pile to expedite the completion of the new Ford Center. The City has not paid anyone for this service and they are receiving the benefits from it.

Councilman O'Daniel: Sir, can I ask you, is that in litigation right now?

Tim Klenck: No.

Councilman O'Daniel: It is not in litigation?

Tim Klenck: It's not in litigation right now.

President Robinson: I think we should probably let Mr. Ziemer answer any questions cause I don't think this is...is this...I think I should...I'll refer it to you.

Council Attorney Danks: Well if I may, I think that Mr. Ziemer is prepared to address the issue if it is requested, and also Jeffrey Ahlers is here and he represents Mr. Klenck and Mr. Klenck's company.

President Robinson: Okay.

Councilman O'Daniel: Let me ask you this. Have there been discussions amongst the attorneys on whether or not...who should pay this.

Tim Klenck: Over two years.

Councilman O'Daniel: Okay, and it's my understanding there is a, for lack of a better word, defunct organization, Woodward, that was sort of in the middle of this as well. That complicates the...is that...I mean that's just...

Tim Klenck: That's exactly true.

Councilman O'Daniel: Okay, so this is sort of a triangle on who is supposed to pay, right?

Tim Klenck: Absolutely, and like I said, we looked at it as a verbal contract with John Kish. John Kish asked us to keep going. He didn't want timely effort to be spent by the City with more engineering, bidding, specs, downtime, and he wanted to open that arena. He had a deadline to do it and he asked us to step up to the plate and we did.

President Robinson: So it was virtually, I guess, like a handshake.

Tim Klenck: Absolutely.

President Robinson: And Kish is gone.

Tim Klenck: Yes.

Councilman O'Daniel: We can't...we can't give you the money if it's not allocated in some way, right?

Tim Klenck: Absolutely, but like I said, the sticking point on this is no one's been paid for the work and we were third in line for this, not to mention there was a public RFP that stated that the City or the developer would pay us at the time of the contract.

Councilman O'Daniel: I don't disagree with you on some of that stuff. If I could ask Mr. Ziemer, what steps has your firm taken to address this on behalf of the City?

City Attorney Ziemer: Yeah, since we think there is a strong prospect for future litigation as a result of this, as City Attorney I am simply going to offer the following four brief points and then we'll have no further comment on this.

The Klenck Company entered into a written contract with Woodruff Construction for the demolition of the old Executive Inn building and parking garage.

The City was not a party to that contract. Subsequent to that initial agreement, the City, under the prior administration, entered into a separate, written contract for demolition services with the Klenck Company and paid Klenck in full for that work and that was some \$740,000, approximately. Over a year after the City/Klenck work was completed, Klenck made a claim upon the City for monies owed by Woodruff, under the Klenck/Woodruff contract and the City denied that claim. So far as I know, the Klenck Company has made no attempt to enforce its

rights under the Klenck/Woodruff contract to collect monies owed by Woodruff Construction, or its assigns, and except as I've just stated, I'll not further comment on this. Thank you.

Council Attorney Danks: Mr. Ahlers, would you like to address that?

Jeff Ahlers: Thank you Councilmembers and Mr. Danks. Mr. Klenck came here today to speak to you all directly and I think Mr. Klenck is a good man. There aren't many people nowadays who do something to help the City out based on a promise but Mr. Klenck's that kind of man and Klenck Demolition is that kind of company. I think as they showed on recent projects that where some people would stay quiet, could make more money; if they save you money, they'll be there to do that.

On this case, succinctly, what occurred was, as some of you may know, you on Council, some of you may not have been, but the City entered into a contract with Woodruff Hospitality. Woodruff Hospitality then hired Klenck Demolition to demolish the Executive Inn and the garage. At some point, what occurred was that the City terminated its contract with Woodruff. Under that original contract, there would have been funds, I believe it's in the neighborhood of eight million dollars that the City...when I say the City I say that as well the Redevelopment Commission, would have put in about eight million dollars in terms of into an escrow. Some of the funds could have been available for use on demolition and some of the requirements that Woodruff had, but the City terminated that contract with Woodruff, did not put those funds into place. Woodruff, as far as we know, we've checked and they're an insolvent entity. There is nothing there. So the bottom line was the City was then faced with a deadline, wanting to open the Ford Center on time, and so the Project Manager for the City on the construction of the Ford Center came to Mr. Klenck and his company and said, "Please keep working on this project", and represented and promised that the City or the City would see that the new developer would pay Klenck Demolition. No one, if the City had come to him and said, "We are not going to pay you. If you do anymore work, you're doing it gratuitously", he would not have continued to do that. Who would? But he was promised that he would be paid and he would be taken care of. They continued to do the work cause otherwise the City would have fallen behind on its construction.

So evidencing that agreement whenever the last administration put out Requests for Proposals for a new hotel developer, you will notice in those Requests for Proposals is a line that the new developer would need to pay or that through City funds the demolition work would be paid for. Then, as you all know, as the story unfolds, then they didn't go through with accepting or issuing any further proposals, it was for the new administration to do so, so now here we are. We fast-forward.

And so Mr. Klenck and his company are here to say we want to make sure that that's included in any new development, that it's assured as it was always promised that they would be paid, or that the Redevelopment Commission or the City would pay that directly. And as Mr. Ziemer said, I'm not here to engage in legal jousting and I furnish some authority to Mr. Danks, but there are several legal theories, including *unjust enrichment* and *promissory estoppel* that we believe warrant, even though there wasn't an actual written contract for that portion between the City and Klenck that warrant payment. A benefit was received by the City, he relied upon being paid, and so in this case I guess our issue is, you know, it's not only what's legal but also what's right in the sense that the City didn't pay anyone. So it would be one thing if the City was making the argument to say, "We paid Woodruff, Woodruff didn't pay you. Too bad. You made a deal with

the wrong people". But that's not what occurred, the City paid no one and I don't think anybody sitting here would say that the benefit that was bestowed upon the City that allowed the Ford Center to be built wasn't substantial and that this shouldn't be paid.

So I can answer any question but otherwise...

Council Attorney Danks: I guess, Mr. Ahlers, the question I have is what remedy are you seeking from the Council? Are you suggesting the Council not approve financing for the development of a new hotel if the new contract doesn't have language in there that Klenck and whatever other liabilities might be out there are taken care of pursuant to the terms of that contract?

Jeff Ahlers: Well Klenck Demolition is asking for the Council to take those or other measures, whatever is necessary to see that the mechanisms are set into place for Klenck Demolition to be paid for this work.

Councilman O'Daniel: Well isn't that the role of the City Attorney though? And the Administration?

Jeff Ahlers: They are aware of Klenck's position but no action has been taken to satisfy the situation so I'm...I don't want to speak for Mr. Ziemer if he or the Administration want to speak on their behalf but let's say the bill remains outstanding so it has not been taken care of.

Councilman Adams: Can I ask a simple question? Has Mr. Kish reconfirmed this conversation?

Jeff Ahlers: Reconfirmed in what respect? There were numerous conversations...

Councilman Adams: Has Mr. Kish, at this date, confirmed that these conversations actually occurred?

Jeff Ahlers: I guess without getting into...yes, I believe he has.

Councilman Adams: Okay.

Jeff Ahlers: And what I will say is it's not just a single conversation, he was on the site every day so it's not like Klenck Demolition came in under cover of darkness and tore down a building. They were out there every day. The discussions were ongoing; there are more than one.

President Robinson: Yeah, I think it's unfortunate that this has happened to a local company and a small company. You threw out the figure of \$355,000. I think that's what we overpaid the steel company in Kansas. Maybe we can get that money back from the steel company in Kansas and some kind of way, find it to give to Mr. Klenck.

Where are we with that? Mr. Ziemer, do you know?

City Attorney Ziemer: No other comment.

President Robinson: No, on the \$355,000...

City Attorney Ziemer: They're pursuing that collection Madam President.

President Robinson: Have we heard anything from them or...

City Attorney Ziemer: The bank is doing that and yes, the bank says that they're in, you know, normal process of collecting that.

Councilman Adams: They've actually sent them a second notice.

President Robinson: *(Inaudible)* had to send them a third and a fourth too. Okay, thank you.

Yes, Councilwoman Riley.

Councilwoman Brinkerhoff-Riley: I don't know what percentage of your annual revenue that \$355,000 makes up but I mean it...I think it's embarrassing that you haven't been paid and its... because at the end of the day, Mr. Ahlers is right, nobody was paid so nobody ever expected that that would be torn down for free. And if we had paid Woodruff and then they had disappeared into the night, I could understand some resistance but, you know, I believe you should be paid and I also appreciate the fact that your willingness cause you continue to do work for the City and you've been a great corporate citizen here in the community and I hope we can get you paid.

Councilman Friend: Mr. Klenck, do you have any accounts payable against this project?

Tim Klenck: No, we don't.

Councilman Friend: So nothing has been encumbered, you've paid everything out...wages, taxes...

Tim Klenck: Absolutely.

Councilman Friend:...permits, all that.

Tim Klenck: Disposal, recycling...one of the big things is they wanted to show how much recycling was done out of it too so we did all that.

Councilman Friend: This project, normally you have a lot of salvage you can get out of it but this had just like concrete and rebar, didn't it?

Tim Klenck: Yeah and there was not a lot of big structural steel on it and that yields our big money.

Councilman Friend: *(Inaudible)* pull out.

Tim Klenck: Absolutely. The thing is, like I said, with demolition it's the difficulty factor. You know, when you have streets, you have no place for it to fall except for into its footprint. You have to take greater care. You have to use a larger machine. You have to take, you know, a certain standard to get it down right.

President Robinson: Are there any questions from...any other questions for Mr. Klenck? I guess we are all just lost for words and, you know, sorry to hear that.

Councilman Lindsey: Well I think we should keep this in mind when we start negotiating for the hotel.

Councilwoman Brinkerhoff-Riley: Yeah, and I'm hoping your trip here is not wasted. In the sense that we...now we understand, I think, what the deal is that there...I didn't have any idea how it would be remedied but the idea that there would be language in the new Request for...in the proposal that would require that those outstanding be paid makes sense, I mean, to me. I understand that other people may have a different opinion but I will pay attention to that and if that's the answer then that's what I'm for.

Tim Klenck: Thank you.

President Robinson: Thank you for bringing this to our attention.

Tim Klenck: Thank you for your time.

President Robinson: Is there anyone else in the audience?

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

Re: Ordinance G-2013-13

Date: July 22, 2013

Time: 5:15 p.m.

Notify: Scott Danks

CHAIRWOMAN STEPHANIE RILEY

Amending the Speed Hump Ordinance

PUBLIC WORKS COMMITTEE:

CHAIRMAN CONOR O'DANIEL

Councilman O'Daniel: Yes Madam President, I will not be here on the 22nd. My family will be on vacation. If I could add...set it, Resolution C-2013-15. It would be for renaming a certain section or street Don Mattingly Way. I ask Councilman Weaver if he would agree to table that until the next meeting in August so Councilmembers have a little better idea of other folks that might be included in this, not just the Don Mattingly Way but perhaps other folks that may be able to have roads renamed and whether or not we need to have a more encompassing ordinance or resolution.

President Robinson: Are you okay with that Councilman Weaver?

Councilman Weaver: I think that should be okay.

Councilman O'Daniel: Thank you. So if...I don't know, the proper thing is to table that at this point and then we'll hear it at the meeting in August.

President Robinson: We'll hear it August...at the same time, 5:20.

Councilman O'Daniel: Yes.

President Robinson: Okay thank you.

FINANCE COMMITTEE:

Re: Ordinance F-2013-10

Date: July 22, 2013

Time: 5:25 p.m.

Notify: Russell G. Lloyd

CHAIRMAN JOHN FRIEND

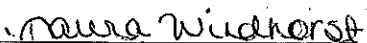
Transfers, additional Appropriations and
repeal and re-appropriation of funds for
various city funds

ADJOURNMENT

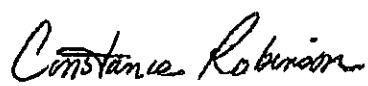
President Robinson: Okay, thank you. Can I have a motion for adjournment?

Councilwoman Mosby moved and Councilwoman Brinkerhoff-Riley seconded the motion to adjourn. Voice Vote. So Ordered.

Meeting adjourned at 7:04 p.m.



Laura Windhorst, City Clerk



Constance Robinson, President